

ORIGINAL

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FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

OCT 24 2007  
at 3 o'clock and 37 min. P  
SUE BEITIA, CLERK

Attorney for Defendants  
SULLIVAN PROPERTIES, INC. and  
ROBERT B. SULLIVAN

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

SCOTTSDALE INSURANCE  
COMPANY,

Plaintiff,

vs.

SULLIVAN PROPERTIES, INC.;  
ROBERT B. SULLIVAN; MAUI  
LAND & PINEAPPLE COMPANY,  
INC.; AND KAPALUA LAND  
COMPANY, LTD.

Defendants.

CIVIL NO. CV04-00550 HG BMK  
(Declaratory Relief)

**SUPERSEDEAS BOND;  
CERTIFICATE OF SERVICE**

**BOND NO. 104968130**

**SUPERSEDEAS BOND**

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, on August 7, 2007, Judgment was entered in  
SCOTTSDALE INSURANCE COMPANY vs. SULLIVAN PROPERTIES, INC.;  
ROBERT B. SULLIVAN; MAUI LAND & PINEAPPLE COMPANY, INC.;  
AND KAPALUA LAND COMPANY, LTD., Civil No. 04-00550 HG/BMK, in  
the United States District Court for the District of Hawaii ("Judgment");

WHEREAS, pursuant to the aforementioned Judgment, judgment was  
rendered in favor of Plaintiff SCOTTSDALE INSURANCE COMPANY  
("SCOTTSDALE") and against Defendants SULLIVAN PROPERTIES, INC. and  
ROBERT B. SULLIVAN ("SULLIVAN") in the principle amount of \$147,819.74,  
plus attorneys' fees and costs, and statutory interest thereupon;

WHEREAS, on September 6, 2007, SULLIVAN filed its Notice of  
Appeal from, among other orders, such Judgment, to the Ninth Circuit Court.

NOW, THEREFORE, IT IS HEREIN AGREED that TRAVELERS  
CASUALTY AND SURETY COMPANY OF AMERICA ("Surety"), a  
Connecticut corporation, which is duly authorized to conduct business in the State  
of Hawaii and to issue supersedeas bonds in the State of Hawaii, is firmly bound  
to pay up to the sum of \$221,729.61 to Plaintiff SCOTTSDALE, in order to satisfy

the Judgment in full together with future interest, on behalf of SULLIVAN, if for any reason the appeal is dismissed or if the Judgment is affirmed or modified, subject, however, to the following conditions:

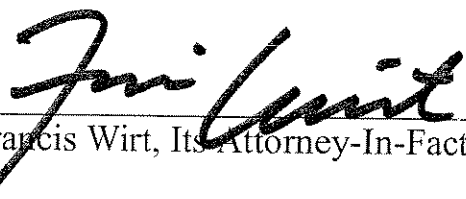
1. Surety's obligations to SCOTTSDALE is limited to SULLIVAN's obligations under the Judgment; and
2. Surety's obligations to SCOTTSDALE are subject to modification depending on the results of the appeal filed by SULLIVAN. However, in no event will Surety's obligation exceed the aforementioned sum of \$221,729.61.

The supersedeas bond is made pursuant to Rule 8 of the <sup>Federal</sup> ~~Hawaii~~ Rules of Appellate Procedure. Accordingly, Surety agrees to submit itself to the jurisdiction of the United States District Court for the District of Hawaii and irrevocably appoints the clerk thereof as its agent upon whom any papers affecting its liability on the supersedeas bond may be served. Surety's liability may be enforced on motion in the United States District Court for the District of Hawaii without the necessity of an independent action.

SULLIVAN PROPERTIES, INC.

By   
Its President Patrick T. Sullivan

TRAVELERS CASUALTY AND SURETY  
COMPANY OF AMERICA

By   
Francis Wirt, Its Attorney-In-Fact

APPROVED:

 10.24.07  
JUDGE OF THE ABOVE-ENTITLED COURT

STATE OF HAWAII                   )  
COUNTY OF MAUI                 ) SS.

On this 12<sup>th</sup> day of October, 2007, before me personally appeared Patrick T. Sullivan, to me personally known, who being by me duly sworn did say that he is the President of SULLIVAN PROPERTIES, INC. and that the seal affixed to the foregoing instrument is the corporate seal of said corporation; that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors, and said he acknowledged said instrument to be the free act and deed of said corporation.



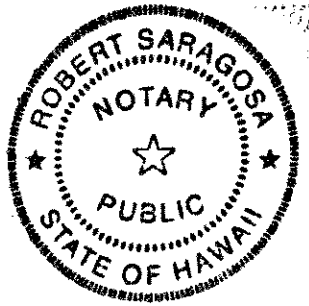
Notary Public, State of Hawaii


Print Name:

My Commission expires: VICKI KINKELLA  
My commission expires 6/27/01

STATE OF HAWAII )  
 ) SS.  
CITY & COUNTY OF HONOLULU )

On this 12<sup>th</sup> day of October, 2007, before me personally appeared Francis Wirt, to me personally known, who being by me duly sworn did say that he is Attorney-In-Fact of TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA and that the seal affixed to the foregoing instrument is the corporate seal of said corporation; that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors, and said he acknowledged said instrument to be the free act and deed of said corporation.



  
Notary Public, State of Hawaii  
Print Name: Robert Saragosa  
My Commission expires: 1/06/2010

WARNING: THIS POWER OF ATTORNEY IS INVALID WITHOUT THE RED BORDER



## POWER OF ATTORNEY

Farmington Casualty Company  
 Fidelity and Guaranty Insurance Company  
 Fidelity and Guaranty Insurance Underwriters, Inc.  
 Seaboard Surety Company  
 St. Paul Fire and Marine Insurance Company

St. Paul Guardian Insurance Company  
 St. Paul Mercury Insurance Company  
 Travelers Casualty and Surety Company  
 Travelers Casualty and Surety Company of America  
 United States Fidelity and Guaranty Company

Attorney-In Fact No. 214302

Certificate No. 001492526

**KNOW ALL MEN BY THESE PRESENTS:** That Seaboard Surety Company is a corporation duly organized under the laws of the State of New York, that St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company and St. Paul Mercury Insurance Company are corporations duly organized under the laws of the State of Minnesota, that Farmington Casualty Company, Travelers Casualty and Surety Company, and Travelers Casualty and Surety Company of America are corporations duly organized under the laws of the State of Connecticut, that United States Fidelity and Guaranty Company is a corporation duly organized under the laws of the State of Maryland, that Fidelity and Guaranty Insurance Company is a corporation duly organized under the laws of the State of Iowa, and that Fidelity and Guaranty Insurance Underwriters, Inc. is a corporation duly organized under the laws of the State of Wisconsin (herein collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint

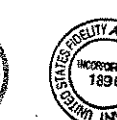
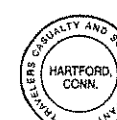
Evelyn Y. Shiyama, Chad W. Karasaki, Michael P. Oxley, Francis Wirt, and Robert Saragosa

of the City of Honolulu, State of Hawaii, their true and lawful Attorney(s)-in-Fact, each in their separate capacity if more than one is named above, to sign, execute, seal and acknowledge any and all bonds, recognizances, conditional undertakings and other writings obligatory in the nature thereof on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

IN WITNESS WHEREOF, the Companies have caused this instrument to be signed and their corporate seals to be hereto affixed, this 7th day of March, 2007.

Farmington Casualty Company  
 Fidelity and Guaranty Insurance Company  
 Fidelity and Guaranty Insurance Underwriters, Inc.  
 Seaboard Surety Company  
 St. Paul Fire and Marine Insurance Company

St. Paul Guardian Insurance Company  
 St. Paul Mercury Insurance Company  
 Travelers Casualty and Surety Company  
 Travelers Casualty and Surety Company of America  
 United States Fidelity and Guaranty Company



State of Connecticut  
 City of Hartford ss.

By: George W. Thompson  
 George W. Thompson, Senior Vice President

On this the 7th day of March, 2007, before me personally appeared George W. Thompson, who acknowledged himself to be the Senior Vice President of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., Seaboard Surety Company, St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

In Witness Whereof, I hereunto set my hand and official seal.  
 My Commission expires the 30th day of June, 2011.



Marie C. Tetreault  
 Marie C. Tetreault, Notary Public



WARNING: THIS POWER OF ATTORNEY IS INVALID WITHOUT THE RED BORDER

This Power of Attorney is granted under and by the authority of the following resolutions adopted by the Boards of Directors of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., Seaboard Surety Company, St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company, which resolutions are now in full force and effect, reading as follows:

**RESOLVED**, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President, any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary may appoint Attorneys-in-Fact and Agents to act for and on behalf of the Company and may give such appointee such authority as his or her certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors at any time may remove any such appointee and revoke the power given him or her; and it is

**FURTHER RESOLVED**, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President may delegate all or any part of the foregoing authority to one or more officers or employees of this Company, provided that each such delegation is in writing and a copy thereof is filed in the office of the Secretary; and it is

**FURTHER RESOLVED**, that any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary; or (b) duly executed (under seal, if required) by one or more Attorneys-in-Fact and Agents pursuant to the power prescribed in his or her certificate or their certificates of authority or by one or more Company officers pursuant to a written delegation of authority; and it is

**FURTHER RESOLVED**, that the signature of each of the following officers: President, any Executive Vice President, any Senior Vice President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary, and the seal of the Company may be affixed by facsimile to any power of attorney or to any certificate relating thereto appointing Resident Vice Presidents, Resident Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such power of attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding on the Company in the future with respect to any bond or understanding to which it is attached.

I, Kori M. Johanson, the undersigned, Assistant Secretary, of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., Seaboard Surety Company, St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company do hereby certify that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 12th day of October, 20 07

  
Kori M. Johanson, Assistant Secretary



To verify the authenticity of this Power of Attorney, call 1-800-421-3880 or contact us at [www.stpaultravelersbond.com](http://www.stpaultravelersbond.com). Please refer to the Attorney-In-Fact number, the above-named individuals and the details of the bond to which the power is attached.

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